

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1086 of 1984

Date of decision: 02-09-96

For Approval and Signature

The Hon'ble Mr. Justice S. K. KESHOTE

1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

-----  
JUGATRAM M PANDYA

Versus

G S R T C  
-----

Appearance:

MR MD RANA for Petitioner

MR MD PANDYA for Respondent No. 1

-----  
CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 02/09/96

ORAL JUDGEMENT

The petitioner, an employee of the Gujarat State Road Transport Corporation, filed this writ petition before this court challenging the order dated 25th March, 1983 terminating his service by resorting to Regulation No.61. The said regulation enables termination of service of a permanent employee of the Corporation by giving him 60 days notice or 60 days' pay in lieu thereof. In Civil Appeal No.3992 of 1986 decided

on 17th July, 1996 similar issue arose before the Supreme Court for consideration. The Supreme Court has declined to interfere with the decision of High Court given in favour of workman in view of the decision in the case of Delhi Transport Corporation vs. D.T.C. Mazdoor Congress, 1991 Supp(1) SCC 600. The Supreme Court in the case of Delhi Transport Corporation (supra) struck down the similar provision of Regulation 61 as contained in Rule 9(b) of the Delhi Road Transport Authority (Conditions of Appointment) Regulation, 1952. The counsel for the respondents has conceded that in view of the aforesaid decision of the Supreme Court, termination of the petitioner is illegal. When Resolution No.61 is an invalid piece of provision, action taken thereunder certainly cannot be allowed to stand by this court.

2. In the result this special civil application is allowed. Order of termination of the services of the petitioner dated 25th March, 1983 is quashed and set aside. The petitioner shall be entitled to all the consequential benefits flowing from quashing and setting aside of the order of termination of services dated 25th March, 1983. The consequential benefits shall be given to the petitioner by respondent Corporation within a period of four months from the date of receipt of certified copy of this judgment. Rule made absolute accordingly. No order as to costs.

....

csm